

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BILLY DRIVER,

Plaintiff,

v.

DR. KAHLON, et al.,

Defendant.

No. 2:25-cv-01287-TLN-CSK

**ORDER**

Plaintiff Billy Driver (“Plaintiff”), a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 7, 2025, the magistrate judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 3.) Plaintiff filed objections to the findings and recommendations. (ECF No. 5.)

However, the focus of Plaintiff’s objections appears to be his attempt to renew his motion for injunctive relief. (*Id.* at 1–3.) In his declaration, Plaintiff claims he had a review of his health care grievance CHCF HC 21001680 on August 23, 2021. (*Id.* at 4, 16–18.) But Plaintiff provided no headquarters level review of grievance CHCF HC 21001680. Further, Plaintiff fails to demonstrate how the 2021 grievance would exhaust his claims concerning the actions of

defendants Dr. Kahlon, Dr. Delgadillo, Dr. Ozbayrak, and Asabor, all of which took place in 2025.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

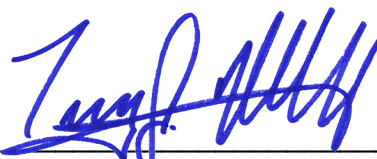
To the extent Plaintiff again seeks a temporary restraining order by way of his objections, Plaintiff's motion is DENIED. Plaintiff did not provide the certification required by Federal Rule of Civil Procedure 65(b)(1) and failed to establish the elements required under *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). (See ECF No. 3 at 5–6.)

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed May 7, 2025 (ECF No. 3), are ADOPTED IN FULL;
2. Plaintiff's motion for injunctive relief (ECF No. 1) is DENIED without prejudice;
3. Plaintiff's putative renewed motion for temporary restraining order (ECF No. 5) is DENIED without prejudice;
4. This action shall be DISMISSED without prejudice; and
5. The Clerk of the Court shall close this case.

IT IS SO ORDERED.

Date: May 29, 2025

  
\_\_\_\_\_  
TROY L. NUNLEY  
CHIEF UNITED STATES DISTRICT JUDGE